

Appl. No. : 09/747,002
Filed : December 22, 2000

REMARKS

The following remarks are responsive to the November 17, 2005 Advisory Action. Claims 17-29 remain as previously presented. Thus, Claims 17-29 are presented for further consideration.

Response to Rejection of Claims 17-29 Under 35 U.S.C. § 103(a)

In the November 17, 2005 Advisory Action, the Examiner maintains the rejection of Claims 17-29 under 35 U.S.C. § 103(a) as being unpatentable by U.S. Patent No. 6,134,384 issued to Okamoto et al. ("Okamoto") in view of U.S. Patent No. 6,792,000 issued to Morinaga et al. ("Morinaga").

Claim 17

The Examiner asserts that a hard disk drive, as taught by Morinaga, is an obvious design choice for storing transport streams, and that it would be obvious to persons skilled in the art to use the method of storing data as disclosed by Okamoto onto a disk drive as disclosed by Morinaga.

Okamoto discloses a particular method of storing transport streams on a magnetic tape utilizing a first rotating head to record the data with added error correction codes and utilizing a second rotating head to reproduce the recorded data and to utilize error correction circuitry to detect errors in the reproduced signal "at the same time as the recording time." (*See, e.g.*, Okamoto at column 1, lines 50-61.) The Examiner relies upon these added error correction codes as disclosure for "adding a fifth integer of bytes to each original transport packet to create a sequence of modified transport packets," as recited by Claim 17. The Examiner also relies upon the storage of these modified transport packets as disclosure for "storing the sequence of modified transport packets ..., wherein a seventh integer of modified transport packets are stored in an eighth integer of sectors, the eighth integer being a minimum number of sectors with the same number of user data bytes as the number of bytes in the seventh integer of modified transport packets," as recited by Claim 17.

Applicant submits that there is no suggestion to combine the teachings of Okamoto and Morinaga to produce the method recited by Claim 17. While it is known by persons skilled in the art that transport streams can instead be stored on a hard disk drive, as disclosed by Morinaga, this knowledge does not provide a motivation to replace the magnetic tape in the error

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correction method disclosed by Okamoto with a hard disk drive. For *prima facie* obviousness, the prior art must provide a motivation to combine the method for storing transport streams with added error correction codes as disclosed by Okamoto with hard disk drives as disclosed by Morinaga. Applicant submits that such a motivation is not provided by the prior art.

In addition, as discussed in the "Declaration of William B. Boyle Pursuant to 37 C.F.R. § 1.132" submitted herewith, Applicant submits that combining the disclosure of Morinaga with the disclosure of Okamoto would require a substantial reconstruction and redesign of the elements shown in the Okamoto reference as well as a change in the basic principle under which the system and method of Okamoto was designed to operate. Therefore, the teachings of Okamoto in view of Morinaga are not sufficient to render Claim 17 *prima facie* obvious.

Furthermore, as discussed in the "Declaration of William B. Boyle Pursuant to 37 C.F.R. § 1.132," Applicant submits that the claimed invention recited by Claim 17 provides results which are unexpected from the combination of Okamoto and Morinaga. The claimed invention recited by Claim 17 provides more frequent alignment of the stored modified transport packets with the first bytes of the sectors. Since the hard disk drive is addressable on boundaries between the sectors, this more frequent alignment advantageously allows the system to more efficiently access the stored video data and to enable "trick play" functions without loss of synchronization. Therefore, the claimed invention recited by Claim 17 provides substantial and unexpected results which obviate a finding of obviousness.

Applicant therefore submits that Claim 17 is patentably distinguished over the combination of Okamoto in view of Morinaga. Applicant respectfully requests that the Examiner withdraw the rejection of Claim 17 and pass Claim 17 to allowance.

Claims 18-25

Each of Claims 18, 20, and 22-25 depends from Claim 17, Claim 19 depends from Claim 18, and Claim 21 depends from Claim 20. Thus, each of Claims 18-25 includes all the limitations of Claim 17, as well as other limitations of particular utility. For at least the reasons stated above with respect to Claim 17, Applicant respectfully submits that each of Claims 18-25 is patentably distinguished over the combination of Okamoto in view of Morinaga. Applicant respectfully requests that the Examiner withdraw the rejection of Claims 18-25 and pass these claims to allowance.

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Claim 26

For at least the reasons stated above with respect to Claim 17, Applicant submits that the prior art does not provide a suggestion to combine the teachings of Okamoto and Morinaga. Therefore, Applicant submits that Claim 26 is patentably distinguished over the combination of Okamoto in view of Morinaga. Applicant respectfully requests that the Examiner withdraw the rejection of Claim 26 and pass Claim 26 for allowance.

Claims 27-29

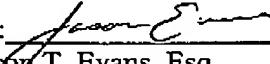
Each of Claims 27 and 28 depends from Claim 26 and Claim 29 depends from Claim 28. Thus, each of Claims 27-29 includes all the limitations of Claim 26, as well as other limitations of particular utility. For at least the reasons stated above with respect to Claim 26, Applicant respectfully submits that each of Claims 27-29 is patentably distinguished over the combination of Okamoto in view of Morinaga. Applicant respectfully requests that the Examiner withdraw the rejection of Claims 27-29 and pass these claims to allowance.

Summary

For the reasons stated above, Applicant submits that Claims 17-29 are in condition for allowance, and Applicant respectfully requests such action.

Respectfully submitted,

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